



**DECLARATION FOR PATENT APPLICATION**  
English Language Declaration

As a below-named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**FLYING TOY APPARATUS**

the specification of which

\_\_\_\_\_ is attached hereto, or

X was filed on February 11, 2004 as U.S. Patent Application Serial No. 10/777,507.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including, for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and also have identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed?	Certified Copy Attached?

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

<u>60/447,055</u>	<u>February 12, 2003</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

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DIRECT COMMUNICATIONS TO:

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520 S.W. Yamhill Street  
Portland, Oregon 97204

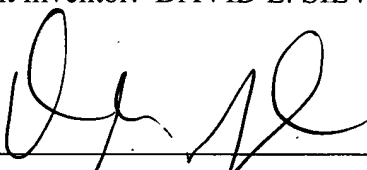
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first joint inventor: DAVID E. SILVERGLATE

Inventor's signature: \_\_\_\_\_



Date: \_\_\_\_\_

6/21/07

Residence: 343 Soquel Avenue #50, Santa Cruz, California 95003

Citizenship: United States of America

Post Office Address: 343 Soquel Avenue #50, Santa Cruz, California 95003



**POWER OF ATTORNEY,  
STATEMENT UNDER 37 C.F.R. § 3.73(b), and  
ASSERTION OF RIGHT UNDER 37 C.F.R. § 3.71 AND MPEP § 106**

Applicant(s): David E. Silvergate  
Serial No.: 10/777,507  
Filed: February 11, 2004  
Title: FLYING TOY APPARATUS

Rhino Toys, Inc., a California corporation, hereby appoints the practitioners at Kolisch Hartwell, P.C., USPTO Customer No. 23581, as its attorneys and agents to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith. These practitioners currently include:

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; M. Matthews Hall, Reg. No. 43,653; Christopher S. Tuttle, Reg. No. 41,357; B. Anna McCoy, Reg. No. 46,077; Ellen M. Gonzales, Reg. No. 44,128; Jason C. Creasman, Reg. No. 51,587; Edward B. Anderson, Reg. No. 30,154; Peter D. Sabido, Reg. No. 50,353; John D. Russell, Reg. No. 47,048; Douglas W. McArthur, Reg. No. 50,795; Stanley M. Hollenberg, Reg. No. 47,658; and Anton E. Skaugset, Reg. No. 38,617.

Rhino Toys, Inc. states, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the above-identified patent application by virtue of an assignment from each of the inventor(s) named in the above-identified patent application. Copies of assignments or other documents in the chain of title are attached.

Rhino Toys, Inc. hereby asserts its right, under 37 C.F.R. § 3.71 and MPEP § 106, to conduct the prosecution of the above-identified patent application to the exclusion of the named inventor(s) and any previous assignee(s).

**DIRECT COMMUNICATIONS TO:**

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The undersigned (whose title is supplied below) is authorized to act on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

RHINO TOYS, INC.

Date: 6/21/04

Name: David E. Silvergate

Title: President

## ASSIGNMENT

WHEREAS, I, David E. Silvergate of Santa Cruz, California, have invented certain improvements in a FLYING TOY APPARATUS, for which I filed U.S. Provisional Patent Application Serial No. 60/447,055 on February 12, 2003, U.S. Patent Application Serial No. 10/777,507 on February 11, 2004, and PCT Patent Application Serial No. PCT/US2004/004051 on February 11, 2004; and

WHEREAS, Rhino Toys, Inc., a California corporation, having its principal place of business in Santa Cruz, California, is desirous of acquiring an interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, I, David E. Silvergate, have sold, assigned, and transferred, and do hereby sell, assign, and transfer, to Rhino Toys, Inc., its successors and assigns, the full and exclusive right to the invention in the United States and its territorial possessions and in all foreign countries, and the entire right, title, and interest in and to any and all Letters Patent that may be granted therefor in the United States and its territorial possessions and in any and all foreign countries, and in and to any and all divisions, continuations, reissues, substitutions, and extensions thereof.

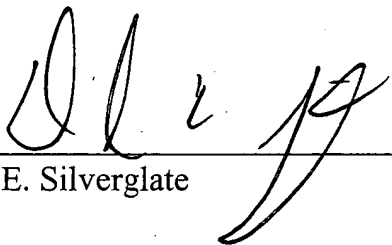
I hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to Rhino Toys, Inc., as the assignee of my entire right, title, and interest in and to the same, for the sole use of Rhino Toys, Inc., and its successors and assigns.

Further, I hereby covenant and agree to and with Rhino Toys, Inc., and its successors and assigns, at the time of execution and delivery of these presents, that I am

the sole and lawful owner of the entire right, title, and interest in and to the invention and the above-identified patent application, and that the same are unencumbered, and that I have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

Further, I agree that I will communicate to Rhino Toys, Inc., or its representatives, any facts known to me respecting the invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, reissue, substitution, and extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to Rhino Toys, Inc., make all rightful oaths, and generally do everything possible to aid Rhino Toys, Inc., and its successors and assigns, to obtain and enforce proper protection for the invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 22<sup>nd</sup>  
day of June, 2004.

  
\_\_\_\_\_  
David E. Silvergate

Witness:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City & State: \_\_\_\_\_